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5 Attorneys for Defendants PEERLESS INSURANCE COMPANY, LIBERTY MUTUAL
FIRE INSURANCE COMPANY and GOLDEN EAGLE INSURANCE
6 CORPORATION

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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10

11 SHAW MORTGAGE
12 CORPORATION dba
13 PATIOSOURCE & THE NATURAL
TOUCH, a California Corporation

) CASE NO.: 08 CV 0709 BTM AJB
SDSC Case No. 37-2007-00084451-CU-BC-
CTL

14 Plaintiffs,

) **NOTICE OF WITHDRAWAL OF
MOTION TO DISMISS PLAINTIFFS'
COMPLAINT AND MOTION TO
DROP SHAM DEFENDANT**

15 v.

16 PEERLESS INSURANCE
17 COMPANY, a New Hampshire
18 Company; GOLDEN EAGLE
19 INSURANCE CORPORATION, a
California Corporation; LIBERTY
20 MUTUAL INSURANCE COMPANY,
a Massachusetts Company; and DOES
1 – 20, inclusive,

) **DATE: 6/27/08
TIME: 11:00 a.m.
COURTROOM: 15**

Date Complaint Filed: 12/21/2007

21 Defendants.

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25 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:
26 PLEASE TAKE NOTICE that based upon this court's June 17, 2008, order,
27 dismissing Defendants Liberty Mutual Fire Insurance Company ("Liberty Mutual") and
28 Golden Eagle Insurance Corporation ("Golden Eagle") from this action, Liberty Mutual

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1 Fire Insurance Company hereby withdraws its Motion to Dismiss Liberty Mutual from
2 this action, which is set to be heard on June 27, 2007.
3

4 **PLEASE TAKE FURTHER NOTICE** that Peerless Insurance Company hereby
5 withdraws its Motion to Drop Golden Eagle as a Sham Defendant, which is also set for
June 27, 2008.
6

7 **PLEASE TAKE FURTHER NOTICE** that the content Notice of Withdrawal of
8 Motion is acceptable to all persons required to sign this document and it has been agreed
9 to all parties required to sign this document that his or her electronic signature can be
affixed to this document.
10

11 DATED: June 18, 2008

BERGER KAHN
A Law Corporation

13 By: S/Dale A. Amato
14 DALE A. AMATO
15 Attorneys for PEERLESS
16 INSURANCE COMPANY, LIBERTY
17 MUTUAL FIRE INSURANCE
18 COMPANY and GOLDEN EAGLE
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